

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
v.	)	
	)	
1. VICTOR DELGADO,	)	CR. No. 04-10032 GAO
AKA "BITIN", and	)	
2. JOAN REYES SANTANA,	)	
AKA "FLAKO"	)	

JOINT INITIAL STATUS REPORT

Pursuant to Local Rule 116.5(C), the parties are hereby jointly filing the following Status Report prepared in connection with the Final Status Conference scheduled for June 8, 2004.

1. Outstanding Discovery Issues

There remains some minor discovery issues that Delgado and the government are attempting to resolve. If they are not resolved, Delgado will file discovery motions by July 8, 2004.

2. Additional Discovery

Except as described in paragraph 1, no party anticipates producing any additional discovery, other than that required by the rules 21 days before trial.

3. Insanity/ Public Authority Defenses

The defendants do not intend to raise defenses of insanity or public authority.

4. Notice of Alibi

The government requested a Notice of Alibi in its Automatic Discovery Letter. No response has been received to that request.

5. Motions

Other than as specified in paragraph 1, the defendants do not anticipate filing any motions to suppress, to sever or to dismiss prior to trial but are reserving their right to file other pretrial motions that could require a ruling by the District Court.

6. Early Case Resolution

Defendant Reyes-Santana requests that the Court send his case to the District Court for a change of plea hearing.

It is too early to tell whether this case can be resolved short of trial with respect to defendant Delgado. Defense counsel for Mr. Delgado requests additional time to obtain and review all of the video recordings and audio recordings prior to advising making any decisions regarding a possible change of plea hearing. In further support of this request for additional time that the government does not oppose, counsel states that she was engaged in the trial of U.S. v. Cubilette in front of Judge Gertner during the month of May.

7. Speedy Trial Act

The parties have conferred on the periods excludable from all Speedy Trial Act calculations and believe that the following periods are excludable:

2/5/04	Indictment returned
2/10/04	Arraignment

2/11 - 3/09/04	Order dated 3/16/04(excluded per L.R. 112.2(A)(2)
3/16/04	Order dated 3/16/04 (conference held)
3/17 - 5/25/04	Order dated 3/16/04 (excluded per 18 U.S.C. § 3161(h)(1)(F)
5/27 - 6/1/04	Excludable delay per 18 U.S.C. § 3161(h)(1)(j) (defense motion pending)

As of June 8, 2004, 17 days will have been counted and 53 days will remain under the Speedy Trial Act.

8. Length of Trial

It is too early to tell whether a trial will be needed in this matter. The United States estimates that a trial would last approximately 5 days.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s Peter K. Levitt  
PETER K. LEVITT  
Assistant U.S. Attorney  
One Courthouse Way  
Boston, MA  
(617) 748-3355

COUNSEL FOR VICTOR DELGADO

/s Victoria Bonilla (per JAW)  
Victoria M. Bonilla-Argudo  
Bourbeau and Bonilla  
77 Central St.  
Boston, MA 02210  
617-350-6868

COUNSEL FOR JOAN REYES-SANTANA

/s Timothy Watkins (per JAW)  
Timothy G. Watkins  
Federal Defender's Office  
District of Massachusetts  
408 Atlantic Ave., Third Floor  
Suite 328  
Boston, MA 02210  
617-223-8061

June 8, 2004